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FROM : AMEMBASSY, TAIPEI

TO : THE DEPARTMENT OF STATE, WASHINGTON

REF : FEB - 5 1952

SUBJECT: Present Status of LI Tsung-jen on Formosa.

January 16, 1952

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DEPARTMENT OF STATE A/C

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Leaders in the Chinese Government have for some time been quietly indignant over Vice-President LI Tsung-jen's residence in the United States since November 1949 and reports of his and some of his associates' interest and activity in the so-called "Third Force" movement. However, when Li on November 19, 1951, in the capacity of "Acting President" of China, ordered General P. T. MOW and his staff to continue their duties as usual and to ignore orders issued by Generalissimo CHIANG Kai-shek on the grounds that the latter had illegally assumed the Presidency, their wrath became intense and public. A number of steps were soon taken which have effectively destroyed what small standing Li may have still retained here and any possibility there may have been of his serving in the present government.

On December 25, 1951, the National Assembly held a meeting in the Taipei City Hall. Of the Assembly's original membership of 3,045, there are now on Formosa only 1,182. As 1,523 are required to constitute a quorum, the meeting was perforce described as "informal" and its decisions without legal force. Among the proposals adopted by the Assembly was one providing that in principle Li should be dismissed from the Vice-Presidency and that data should be collected/Completing the constitutional procedure for his removal.

Somewhat illogically from a procedural standpoint, the Control Yuan held a plenary session on January 10, 1952, and examined the impeachment case against Li for violating the nation's laws and for dereliction of duty. The 93 Yuan members present unanimously approved a resolution that his impeachment be recommended to the National Assembly in accordance with Article 100 of the Constitution and that the criminal part be referred to judicial organs to be dealt with according to law.

Although the enclosed January 11 release of the Office of the Government Spokesman (Enclosure No. 1) states that the total membership of the Control Yuan is now 180 and that the 93 members present formed a quorum, the semi-official China Handbook 1951 states that the Yuan has 223 members, elected in March, 1948, and that a simple majority (112) is needed for a quorum. However, in connection with this discrepancy, Mr. YANG Liang-kung (楊亮功), Secretary General of Control Yuan, informed a member of the Embassy that there should have been 223 Control

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members but that elections in several northeastern provinces and abroad were short by 43 members owing to the political situation. He said the number of 180 is based upon certificates of election issued by the Minister of Interior in March 1948. A retraction of the incorrect information given in the China Hand Book will be made in due course. There are at present 97 Control Yuan members in Formosa, sufficient to constitute a quorum.

In any case, whether the Control Yuan's decision is binding is a somewhat academic question since the National Assembly cannot act, with legal effect, upon the resolution which the Yuan has referred to it.

The English text of the resolution, recounting Li's misbehavior, is given in Enclosure No. 1.

As of possible interest in connection with Li's attempt to rebut the charges against him there is transmitted herewith a copy of an English translation of a telegram sent on December 2, 1951, by Li to the Control Yuan President and Members (Enclosure No. 2). It may be noted that Li seemingly objects to the hearing of the charges against Mow by a foreign court instead of by the Control Yuan and that he has directed Mow to submit his accounts to the Yuan for examination.

The question of expelling Li from the Kuomintang did not arise because he is not considered to be a party member in view of his failure to register with the Central Reform Committee of the Kuomintang. Following announcement of Kuomintang party reform in July 1950 members of the former Central Executive Committee and Central Supervisory Committee were sent written notices to register with the Central Reform Committee within a designated time. Failure to do so would mean automatic loss of membership. As Li did not comply with the request for registration, he thereby ceased to be a member of the party and there appears to be no basis for a Kuomintang attempt to discipline him.

According to the local press, General PAI Chung-hsi, Li's long-time friend and Kwangsi Clique associate, deplored Li's "recent irresponsible utterances which serve only to gratify our foes and disappoint our friends." The General also expressed regret that Li had spurned his advice to resign as Acting President before the Generalissimo resumed the presidency on March 1, 1950, and to accept the post of special envoy to the United States with the mission of obtaining more American aid for China. Pai also reportedly said: "Although I treasure personal friendship, I treasure my public duty still more; although I love my friend, I love my country even more". Declaring that national reforms must be carried out through constitutional means, Pai pledged his unswerving support to President Chiang on the grounds that his firm leadership is the only means of coping with the perilous national situation and saving the country from chaos.

Taipei newspapers have publicized other unfavorable comments on Li's behavior by his erstwhile friends. General LU Tang-ping (盧 濤平) remarked that, if Li's assertion that he is still President were correct, why had he not come to Formosa in 1949 and performed his duties as President instead of making a junket to the United States.

On December 23, 1951, a joint meeting of the directors and supervisors of the Kwangsi Residents Association passed a resolution asking that the National Assembly immediately remove Li from the vice-presidency on the grounds that he had aroused public indignation through neglect of his official duties, disgraced the Chinese nation and humiliated his Kwangsi countrymen.

Another of Li's old associates, Mr. HUANG Hsueh-ts'un (黃雪邨), who was Director of the First Bureau of the Presidential Office when Li was Acting President, in an "Open Letter To Li Tsung-jen", carried in the December 26 issue of Chung Kuo Hsin Wen (a pro-Government Taipei weekly review) recounted at length the unappreciated good advice he freely gave his former chief, went into the rationale of the Generalissimo's return to power and urged Li to support the Chinese Government and strengthen Formosa in its anti-Communist crusade.

A fair sample of journalistic comment on Li's claim to be Acting President of China is the following excerpt from an editorial, "Li Tsung-jen Is Through", published in Tzu Yu Chung Kuo, a weekly Taipei journal of liberal views:

"We find it difficult to locate a decent word in the Chinese dictionary to describe such infamous conduct. His prolonged stay abroad in the capacity of Vice President of the Chinese Republic is already improper. It is even more absurd that he should try to exercise his "power" in a foreign country in the name of "Acting President" and that the exercise of the "power" should be concerned not with the anti-Communist cause but for the espousal of a criminal official who has defied his government's orders."

(About the kindest thing that anyone has been able to say about Li is that his current imbroglio and his farcial performance of the past two years are perhaps not as much his fault as that of Dr. KAN Chieh-hou, his faithful mentor.)

The Control Yuan regarded Li's public statement that in the near future he would reveal his plans to regain power and that force was not necessarily the only means towards this end as evidence of his intention to overthrow the Government, which is a crime under Article 100 of the Criminal Law of China:

(Offences Against the Internal Security of the State:

Article 100: Whoever, with intent to stage a coup d'etat, seizes territory or uses unlawful means to subvert the Constitution or to overthrow the Government and carries the same into practice shall be punished with penal servitude for a period not less than seven years; and the chief conspirator shall be punished with penal servitude for life.

Whoever makes preparation or conspires to commit the aforesaid offence shall be punished with penal servitude for a period of not less than six months nor more than five years.)

Accordingly, the Ministry of Justice is studying this aspect of the case with a view to possible criminal action of some sort against Li.

However, for all practical purposes, it seems that, while Li Tsung-jen is now thoroughly discredited in Free China, he cannot be ousted from the Vice-Presidency of the Republic of China owing to the lack of a quorum in the National Assembly. It seems clear also that his return to Formosa is out of the question as long as the present government is in office. His feckless conduct in the past two years might even disqualify him as one of the leaders of the "Third Force" movement. It would seem indeed that "Li Tsung-jen is through".

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K. L. Rankin

For Immediate Release

OFFICE OF THE GOVERNMENT SPOKESMAN

January 11, 1952

The Control Yuan at 9 a.m. yesterday (January 10, 1952) called a plenary session with 93 members attending and examined the impeachment case against Vice President Li Tsung-jen for violating the laws of the nation and dereliction of duty. After debate, all members present stood up and voted for the passage of the resolution. It was resolved that impeachment be recommended to the National Assembly in accordance with Article 100 of the Constitution and the criminal part be referred to judicial organs to be dealt with according to law.

The impeachment case was proposed to the Control Yuan by 92 members led by King Wei-hsi. Article 100 of the Constitution reads: "Any impeachment of the President or the Vice President of the Republic by the Control Yuan shall be instituted upon the proposal of more than one-fourth, and the endorsement, after due consideration, of the majority of the Members of the Control Yuan, and the same shall be presented to the National Assembly."

In accordance with this article Control Yuan President Yu Yu-jen yesterday called a plenary session at which 93 members were present. Yang Liang-kung, the Secretary-General, first reported that the total membership of the Yuan announced by the Government was 180. Of them two have never reported to duty, nine have defected to the Communists and another nine have vacated their membership on account of death or other reasons. Thus the total membership has been reduced to 160, Yang continued, and the majority is 81. Undoubtedly 93 is more than a majority.

Then Control Yuan Member Chen Ta-yung moved that President Yu Yu-jen take the chair. The motion was carried. A member of the Secretariat read the text of the impeachment. The Chairman proposed a debate. After many members had spoken, he asked them to stand up to show their approval. The impeachment case was thus carried.

The secretariat of the Control Yuan has, according to legal procedure, transmitted the resolution to the National Assembly and communicated to the judicial organs with the recommendation to start legal processes against Vice President Li.

The Control Yuan of the Chinese Government has adopted a resolution for impeachment against Vice President Li Tsung-jen for violation of the laws of the country and dereliction of duties. The text of the resolution reads as follows:

"In November 1949, when Vice President Li Tsung-jen acted as Acting President, the red menace was at its height and the military situation in Southwest was most critical. It was at that time that he suddenly went to Hongkong first and then under the pretext of illness left for the United States, regardless of public opinion and advices from all circles. He forsook his duty and went abroad, so as to protect his personal safety. In February 1950, the Control Yuan asked him to make clear his attitude. In a reply, he said that he had not neglected his duties and carried on his work as usual in the United States. How can the presidential powers be exercised abroad in accordance with articles 35 and 44? His violation of the Constitution is obvious.

"In view of the national crisis, President Chiang Kai-shek was requested by the people and armed forces to resume the office of presidency in March 1950. With the resumption of office by the President, the Vice President automatically ceased to be the acting president. Should Li Tsung-jen still remember his oath 'to respect the constitution and to be loyal to his duties,' he should have come back immediately in his capacity of the vice-president. But he preferred to stay in the United States, thereby alienating the sympathy of his own countrymen.

"Recently, in handling the case of Mao Pang-chu and Hsiang Wei-hsuan for their dereliction of duties and disobedience of government orders, the Government sent a mission to the United States and hired American lawyers to appeal to the American court to order Mao hand over all the documents and funds still under his custody. Li Tsung-jen accepted the petition made by Mao on November 17, 1951 and on November 19, ordered Mao and his staff to continue their duties as usual in the name of the acting president and to neglect all the orders issued by President Chiang and the actions taken against them. At a press conference in his residence in New York on December 5, he declared that he had a plan to return and in his plan, force was not necessarily the only instrument. On November 19, Li sent a memorandum to the State Department, reiterating that he was still the legitimate president of the Republic of China. He further instigated Kan Chieh-hou to write to Mao's lawyer, saying that since January 21, 1949, he had been the acting president

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of the Republic of China lasting until the next election.
This is certainly usurpation of power.

"In view that Vice President Li Tsung-jen has forsaken his duties and gone abroad during a time of national peril for two years, he is susceptible of dereliction of duties. Now that he continues to issue orders abroad in the name of the acting president which status he has long been relieved, he is violating the laws of the country. With regard to his announcement that he had a plan to return and that force was not necessarily the only instrument, it is clear that Li's desire to recover a so-called 'coalition government,' is to overthrow the Government and harm the interests of the country thereby against Article 100 of the Criminal Law. In accordance with Article 100 of the Constitution, it is hereby proposed that impeachment be introduced against Li Tsung-jen."

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REPORT TO CONTROL YUAN PRESIDENT YU YU-JEN ON
THE IMPEACHMENT CASE AGAINST VICE PRESIDENT LI TSUNG-JEN

The majority of the members of the Control Yuan, after jointly examining the impeachment resolution moved by Yuan Member King Wei-hsi and 91 other members against Vice President Li Tsung-jen for violating the laws of the country and dereliction of duty, decided that since Vice President Li Tsung-jen, during his tenure of Acting Presidency, forsook his responsibility and left his country, and after he was relieved from the Acting Presidency, still issued orders in a foreign country, he had apparently acted against the law and neglected his duty. As for his public statement saying that he would reveal his plan to regain power in the near future and that force was not necessarily the only instrument by which he would return, it doubtless represents his attempt to overthrow the Government and harm the interests of the country and for this he has committed crimes under Article 100 of the Criminal Law of China. It is thereby resolved that the resolution be adopted and presented to the National Assembly in accordance with Article 100 of the Constitution and that the criminal part, in accordance with Article 15 of the Control Law, be referred to judicial organs to be dealt with according to law. (The foregoing report was submitted to Control Yuan President Yu Yu-jen by 92 members of the Yuan's Examination Committee).

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Encl. 2 TAIPEI 298

Translated from News Observer (Sin Wen Kuan Ch'a)

Taipei, January 5, 1952

LI TSUNG-JEN: INSTITUTION OF MOW CASE IN U. S. COURT JEOPARDIZES
NATIONAL DIGNITY

Following is the text of Vice President LI Tsung-jen's telegram dated December 2, 1951 to the Control Yuan in regard to P. T. MOW cases:

"President YU Yu-jen and Members of the Control Yuan:

"With reference to the counter-charges filed by Air Force Deputy Cmdr-in-Chief P. T. Mow against Cmdr-in-Chief C. J. CHOU (周至柔) for corruption, CHA Liang-chien (查良鑑) (Vice Minister of Justice) has now instituted the case with the U. S. Federal District Court and placed the Republic of China under the jurisdiction of the law court of a foreign country thereby seriously impairing the dignity of our nation.

"I am greatly surprised to learn this case from a report dated November 17 submitted to me by P. T. Mow. Under the Constitution, your Yuan is the highest supervisory organ of the State, hence this case should not have been handled by an administrative authority.

"I have instructed Mow to submit, for examination, all accounts and records of this case to you in the hope that a thorough investigation may be caused to be made and that a just and fair solution be reached in order that discipline may be maintained and corrupt practices eliminated.

"Li Tsung-jen"

(Translated by FJCLiu)

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